

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018-163-E**

IN RE:)
SolAmerica SC, LLC and Edgefield County)
S1, LLC - Request for Modification of an)
Interconnection Agreement for Solar Project)
located in Edgefield County, South Carolina)
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**RESPONSE
TO SCE&G'S
MOTION TO DISMISS THE
COMPLAINT REQUESTING
MODIFICATION**

INTRODUCTION

SolAmerica SC, LLC and Edgefield County S1, LLC, (hereinafter collectively as, SolAmerica”), filed a “Request for Modification”, with this Commission on May 9, 2018, in Docket 2018-163-E. Thereafter, this Commission’s Directive Order No. 2018-406, ruled in this Docket and read in pertinent part, “**Further, I move that we hold pending motions in abeyance until that hearing.**” (Emphasis not in original).

South Carolina Electric & Gas, Company (hereinafter as, “Company”), filed a “Motion to Dismiss the Complaint Requesting Modification” on June 27, 2018. SolAmerica’s Response to the Company’s Motion follows.

RESPONSE

The Company’s Motion is Held in Abeyance.

As for the Company’s Motion to Dismiss described hereinabove, and in light of this Commission’s Directive Order cited above, the Company’s Motion, as soon as filed, became a “Pending Motion”, and according to the terms of this Commission’s Directive Order No. 2018-406, the Company’s Motion is therefore held in abeyance until the Hearing in this matter.

Reservation of Rights.

If this Commission should find that this Commission’s Directive Order, as described hereinabove, does not place Pending Motions, such as the Company’s Motion, in abeyance, SolAmerica (i) opposes the relief sought by the Company and (ii) reserves the right to file a more substantive Response to the Company’s Motion. Furthermore, the Company’s Motion, as

pending before this Commission is in the untenable posture of the Company having been a signatory to an Agreement that expressly allows SolAmerica to seek a modification of that Agreement from this Commission, but now the Company moves to deprive SolAmerica of SolAmerica's uncontroverted, contractual right, given to SolAmerica by the Company, and therefore usurp this Commission from hearing that modification.

In addition, it is uncontroverted that this Commission has the statutory authority to amend, modify, and change any contract with an electrical utility that affects the use or disposition of an electrical utility's product or charges paid to an electrical utility when the public interest requires. *See* S.C. Code Ann. Section 58-27-980, (1976, as amended). It is alarming that the Company seeks to file a written document purporting to challenge the rights of this Commission, granted to it, by the Statute cited.

CONCLUSION

WHEREFORE, based on the foregoing, and this Commission's Directive Order No. 2018-406, issued on June 6, 2018, in this Docket, this Commission should find that the Company's Motion is placed in abeyance, until the Hearing in this matter;

AND GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COMMISSION MAY DEEM JUST AND PROPER.

This 9th day of July, 2018.

Respectfully Submitted,

/s/

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July 9, 2018
 Columbia, South Carolina